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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,807

04/01/2004

Masato Hayashi

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38834 7590 10/31/2007  
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EXAMINER

RHEE, JANE J

ART UNIT

PAPER NUMBER

1795

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/814,807

Applicant(s)

HAYASHI ET AL.

Examiner

Jane Rhee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8/22/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Rejections Repeated***

1. The 35 U.S.C. 103(a) rejection of claims 1-2 unpatentable over Nowobilski et al. in view of Heffelfinger et al. has been repeated as previously made in office action mailed on 5/25/2007.

### ***New Rejection***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nowobilski et al. in view of Heffelfinger et al.

Nowobilski et al and Heffelfinger et al. discloses the vacuum heat insulating material in claim 1 as previously made above.

As to claim 6, Nowobilski et al. discloses wherein the resin binder is a phenol resin (col. 3 line 4).

### ***Response to Arguments***

3. Applicant's arguments filed 8/22/07 have been fully considered but they are not persuasive.

In response to applicant's argument that Heffelfinger et al. teaches away from Nowobilski et al. Heffelfinger et al. does not teach away from Nowobilski et al. because

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both Heffelfinger et al. and Nowobilski et al. discloses vacuum insulated panels comprising compressed fiberglass (see abstract of both references). Heffelfinger et al. teaches 'binderless' meaning the absence of binder materials *or the presence of only small amounts of such binder materials amounting to no more than one percent by weight of insulation product* (col. 5 lines 3-5) for the purpose of providing greater movement of the fibers (col. 5 line 2). Heffelfinger al. does not teach away from Nowobliski et al. because both references use binder material and the difference between the two references is that Heffelfinger et al. uses less binder material than Nowobilski et al., however both references teaches vacuum sealing the panel to provide compressed fiberglass state creating the same product.

In response to applicant's argument that Heffelfinger et al. does not correspond to the claimed "molded product", Heffelfinger et al. discloses that the insulation assembly is vacuum sealed, therefore the fibers inside the cavity are molded to the cavity by the vacuum therefore providing a molded product (abstract).

In response to applicant's argument that Nowobliski et al. teaches away from Heffelfinger et al., Nowobliski et al. does not teach away from Heffelfinger et al. because Nowobliski et al. does not state that using a binder amounting to no more than 1 percent would not provide a smoothened surface on the shape article. There is no direct teaching away disclosed by Nowobliski et al. Nowobliski et al. merely discloses that it is preferable to use binder from 10-20 weight percent of the shaped article.

In response to applicant's argument concerning unexpected results, applicant's unexpected results in the thermal conductivity of the binder amounts, since Heffelfinger

et al. discloses the binder amount desired by the applicant, it is inherent that the resin binder coating has excellent thermal conductivity as found by the applicant.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Jane Rhee". The signature is fluid and cursive, with the first name "Jane" and last name "Rhee" clearly distinguishable.

Jane Rhee  
October 17, 2007